

REMARKS

This responds to the Office Action mailed on June 13, 2007. Claim 14 is amended, no claims are canceled, and no claims are added. Thus, claims 1-25 remain pending in the application.

Claim Objections

Claims 14-25 were objected to because of the following: The Office Action asserts that the term “operable” independent claim 14, makes the limitations following it to be optional, which renders the means and bounds of the claim to be indefinite. Claims 15-25 depend on claim 14; therefore, claims 15-25 are rejected for the same reason.

Applicant respectfully traverses. Applicant respectfully asserts that claim 14 does not include the term “operable,” nor has the rejection provided any rationale for the interpretation that the term “operable” or the term “capable” makes the limitations following the term to be optional.

Applicant has chosen to further clarify the language in claim 14. Applicant respectfully requests reconsideration and allowance of claim 14, and claims 15-25 which depend on claim 14.

Double Patenting Rejection

Claim 1 was rejected under the judicially created doctrine of double patenting over claims 7 and 8 of U.S. Patent No. 6,697,359. Applicant respectfully traverses, asserting that the Office has not made a *prima facie* case of obviousness-type double patenting.

The rejection states that the difference between claim 1 of the present Application and claim 7 of US Patent 6,697,359 is “n-port”, “switch crossbar,” and “generic ports.” Applicant respectfully asserts that this mischaracterizes the differences between the claims. For example, claim 1 of the present application is directed to an n-port integrated circuit switch element; whereas claim 7 of US Patent 6,697,359 is directed to a switching system that comprises, among other things, a plurality of integrated circuit switch fabric elements. In addition to the plurality of switch fabric elements, the switching system of claim 7 of US Patent 6,697,359 further comprises I/O data paths connecting some of the ports of the IC fabric elements of the switching

system, and interconnect links connecting other ports of the IC fabric elements as links between individual IC fabric elements.

Further, with respect to claim 1 of the present application, n-port refers to the number of ports in the switch element, and not the type of port. These ports are identified in claim 1 as generic ports.

Additionally, the Office reasons: *Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to specify the specifics of the type of ports along with its specific characteristics to implement in the switch element, as well as, the type of fabric switch to utilize, with the manipulation of claims 7 and 8 of the patent to produce the claimed invention of present claim 1.* Applicant respectfully asserts that this rationale is unclear. For example, it is unclear what is serving as the starting point for the analysis, the proposed modifications to the starting point, and the rationale for the modifications.

As the rejection has not clearly and accurately identified the differences between the claims, and has not clearly articulated an objective rationale for modifying the claims, Applicant submits that the Office has failed to establish a prima facie case to reject claim 1 under the judicially created doctrine of double patenting. Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of claim 1.

Allowable Subject Matter

Claims 1 was allowed over prior art (and was rejected under judicially created doctrine of double patenting).

Claims 2-13 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully submits that these claims are in condition for allowance at least for the reasons provided above.

CONCLUSION

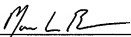
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6960

Date 9-13-07

By 
Marvin L. Beekman
Reg. No. 38,377

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13 day of September 2007.

KIMBERLY BROWN

Name


Signature